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Auth: NS TC-2
Date: 30 NOV 1978 By: 011

OGC Has Reviewed

MEMORANDUM FOR: Acting Deputy Director (Administration)

FROM: Office of General Counsel

SUBJECT: [REDACTED]

STATINTL

1. You have requested the opinion of this office concerning the payment of the hospitalization and medical expenses incurred [REDACTED] since his termination from the Agency in February 1953. The additional question of payment of compensation for time lost from work during the period of his disability is also raised. STATINTL

2. Although two decisions of the Board of Appeals, Bureau of Employees Compensation, have been found in favor of the claimant in somewhat analogous type cases, the subject's illness is not normally considered to be compensable by the Bureau of Employees Compensation. In addition, it is the understanding of this office that the two favorable awards mentioned above were found by the Appeals Board over the strenuous objection of the Bureau and in all probability will not be followed in the future.

3. The special authorities of this Agency for the payment of the expenses of hospitalization and medical bills extends only to illness or injury incurred in line of duty "while such person is assigned abroad."

4. In normal practice where a case is presented to the Bureau of Employees Compensation by another agency, even though it may be questionable insofar as final determination of compensability is concerned, the Bureau assumes the hospitalization and medical expenses pending final determination.

It must be pointed out, however, that such expenses are assumed by placing the claimant in Governmental facilities. Where the claimant enters private facilities he bears the expense pending final determination.

5. As for compensation for time lost from work, that is to a certain extent at the election of the individual. He may utilize the sick leave standing to his credit and then upon a favorable finding, claim compensation from the Bureau for the time lost and not compensated by sick leave, or, after a favorable finding may elect to repay the sick leave taken and then claim compensation from the Bureau for the total time lost.

6. Although nothing is found in the information available to this office to indicate that this case should have been processed to the Bureau and termination delayed pending the Bureau's determination, the increased knowledge of the Agency since that date would appear to determine that such action would have been reasonable.

7. Had the case been presented to the Bureau and the subject hospitalized in Government facilities, the cost of his treatment and hospitalization could well have been borne by the Federal Government had security considerations allowed such a course of action.

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STATINTL